

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL NERI

Defendant.

CASE NO. 1:23-CR-00115-ADA-BAM

ORDER ALLOWING DEFENDANT'S
APPEARANCE ON STATE OF CALIFORNIA WRIT
FOR HABEAS CORPUS AD TESTIFICANDUM

On August 1, 2023, the Honorable Gary B. Orozco, a Superior Court Judge for the State of California, County of Fresno, requested that the body of the above-named defendant be produced in Fresno County Superior Court for further proceedings in the case of *People v. Luis Nolasco*, F22907418. The defendant's expected testimony before the state court judge is necessary on August 15, 2023 at 8:30 a.m. The defendant is currently in the custody of the United States Marshal, charged in the above-entitled action, housed at the Fresno County Jail. His next appearance before the United States District Court is scheduled for September 27, 2023 at 1:00 p.m. for a status conference. It appearing that the defendant needs to be present for expected testimony at a preliminary hearing in the state action, and that the next court appearance in the above-entitled case will be on September 27, 2023:

IT IS HEREBY ORDERED that deputies of the Fresno County Sheriff's Office or their designee may produce the defendant in Fresno County Superior court on August 15, 2023, for purposes of his expected testimony at the hearing, but shall return him to the custody of the United States Marshal Service in the physical custody of Fresno County Jail immediately after the proceeding has concluded on August 15, 2023. The Court further orders that the Fresno County Sheriff's Office or their designated agents can produce the defendant for future state court proceedings with his return immediately thereafter to the U.S. Marshal Service, if the Fresno County Sheriff's Office confirms with an Assistant U.S. Attorney that no state court appearance conflicts with any federal court appearance.

Under no circumstances is the named defendant to be released from the physical custody of the Fresno County Jail other than for the court appearances that are the subject of this Order, or scheduled Federal Court Appearances, or upon further order from this court.

IT IS SO ORDERED.

Dated: August 7, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE